



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2020

CORAM:

WEB COPY THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P. (MD)No.3680 of 2020

and

Crl.M.P. (MD) .Nos.1985 and 1986 of 2020

1.Kannan
2.Karuppayee
3.Mangai
4.Jeya @ Jeyarani
5.Parasuraman
6.Sankar

... Petitioners/Accused
No.1 to 6

Vs

1.The State rep. by,
The Inspector of Police,
Othakadai Police Station,
Madurai District.
(Crime No.586 of 2017)

...1st Respondent/
Complainant

2.Santha

...2nd Respondent/Defacto
Complainant

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining in C.C.No.44 of 2019 on the file of learned Judicial Magistrate, Melur, and quash the same.

For Petitioners : Mr.Kameswaran
for M/s A.Banumathy

For 1stRespondent : Mr.R.Anandharaj
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.44 of 2019 on the file of learned Judicial Magistrate, Melur.



2.Heard learned counsel appearing for the petitioners and learned Additional Public Prosecutor appearing for the first respondent Police.

3.The learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case, since there is a land dispute pending between them. He would further submit that the first respondent police conducted the investigation in a mechanical manner and filed the charge sheet as against the petitioners and hence, sought for quashment of the proceedings.

4.The learned Additional Public Prosecutor submitted that there are materials available to proceed with the case as against the petitioners herein and at the threshold, the criminal proceedings cannot be quashed and the charges framed against the petitioner have to be gone into a full-fledged trial and hence, he prayed for dismissal of the petition.

5.This Court is of the view that all the grounds can be raised before the trial Court and there is no merit in the quash petition.

6.At this juncture, the learned counsel appearing for the petitioner prayed that the personal appearance of the petitioners before the trial Court, may be dispensed with.

7.Accepting the said submission, the presence of the petitioners before the trial Court shall be dispensed with on condition that they shall be present on the first day of appearance , on the date fixed for receiving the copies, initial questioning, reply to charges and questioning under Section 313 of Cr.P.C., and at the time of passing judgment and whenever insisted upon by the trial court.

8.The petitioners are further directed to give an undertaking in the form of affidavit that he will be duly represented by a counsel on all hearing dates and that the Counsel representing them will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioners shall not dispute the identity of the witnesses. The petitioners shall appear before the Court in the event of their presence is insisted by the trial judge for the purpose of identification. If the petitioners adopts any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners in accordance with the judgment of Supreme Court of India, ***in State of Uttar Pradesh Vs. Shambunath Singh***, reported in **2001 (4) SCC 667**.

9.Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petition in



Crl.M.P(MD) No.1985 of 2020 stands closed and Crl.M.P(MD) No.1986 of 2020 stands ordered.

Sd/-

Assistant Registrar (Writs)

WEB COPY

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg

To

- 1.The Judicial Magistrate,
Melur,
Madurai.
- 2.The Inspector of Police,
Othakadai Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)No.3680 of 2020

and

Crl.M.P.(MD) .Nos.1985 and 1986 of 2020

28.02.2020

AP(20/03/2020) 3P 4C